

MARGIE L. RICE
Mayor

TRI TA
Mayor Pro Tem

FRANK G. FRY
Council Member

ANDY QUACH
Council Member

TYLER DIEP
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY ADJOURNED REGULAR MEETING

February 11, 2009

5:00 p.m. – Council Conference Room
(Closed Session)

6:30 p.m. – Council Chambers
Study Session - Status Report on City/Chamber of Commerce Building

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest not on the agenda that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

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February 11, 2009

5:00 P.M. CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY PRIOR TO ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL RICE, TA, FRY, QUACH, DIEP

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Pursuant to Government Code Section 54957: Public Employment: City Manager.

RECESS:

NOTE: Any writings or documents provided to a majority of the City Council/Agency Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

AGENDA

February 11, 2009

6:30 P. M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

CALL TO ORDER:

ROLL CALL: RICE, TA, FRY, QUACH, DIEP

PRESENT:

ABSENT:

ORAL COMMUNICATIONS

At this time members of the public may address the City Council/Redevelopment Agency regarding any items of interest not on the agenda that are within the subject matter jurisdiction of the City Council. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

- 1. [Presentation on Progress of the New City/Chamber of Commerce building.](#)**
(Soroosh Rahbari)

RECOMMENDATION: Staff recommends that the Mayor and City Council receive information provided by staff and the architect, Dougherty & Dougherty, and direct staff on any desired action for the next phase of the project.

RECESS:

AGENDA

February 11, 2009

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, TA, FRY, QUACH, DIEP

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Diep

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

- A. Recognition of Asian-American International Beauty School
- B. Westminster Chamber of Commerce – Report on Upcoming Events

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

AGENDA

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1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of January 14, 2009.**
(Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **Computer Replacement Program – Desktop Computers.** (James McAuliffe)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order in the amount of \$134,810.34 to Hewlett-Packard for the purchase of 121 desktop computers.

- 1.3 **Increase Purchase Order with Liebert Cassidy Whitmore to Provide Legal Services for the City.** (Eddie Manfro)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an increase to the purchase order with Liebert Cassidy Whitmore in the amount of \$30,000.

- 1.4 **Acceptance of “Revised” Final Parcel Map Number 2007-111 for 7001 Westminster Boulevard.** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept a “Revised” Final Parcel Map 2007-111, and authorize the City Clerk to sign, seal and record the map with the County Recorder’s Office.

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- 1.5 Six Month Review of the Operations at 9741-9743 Bolsa Avenue (Catinat Plaza) as Required by Condition No. 40 of Council Resolution No. 4059 Pertaining to Conditional Use Permit and Variance (Case No. 2006-59) Which Allowed Live Entertainment, the On-Sale of Beer and Wine and a Parking Variance Associated with Le Royal Restaurant/Banquet Hall. (Art Bashmakian)**

RECOMMENDATION: Staff recommends that the Mayor and City Council receive and file this report.

ADMINISTRATIVE ITEMS

- 1.6 Administrative approval of fee waiver for the Orange County Clerk of the Board of Supervisors for the use of the East and West rooms to host an Assessment Appeals Workshop on Wednesday, February 11, June 10 and December 9 from 4:00 p.m. – 8:30 p.m. (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council receive and file the report.

- 1.7 Fee Waiver Request from Toastmasters International to hold a speech contest in the A/B room of the Community Services building on Saturday, March 7, 2009 between 8:00 a.m. until 12:00 p.m. (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the fee waiver request as outlined in the Fee Waiver Policy for Use of City Facilities by Community Groups/Non-Profit Organizations.

WARRANT REGISTER

- 1.8 (City Council/Redevelopment Agency) Warrant Register dated January 21, 2009 through February 3, 2009. (Paul Espinoza)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.9 Minutes of the Traffic Commission Meeting of October 28, 2008. (Marwan Youssef)**

RECOMMENDATION: Receive and file.

- 1.10 Minutes of the Planning Commission meeting held on December 17, 2008. (Doug McIsaac)**

RECOMMENDATION: Receive and file.

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1.11 Minutes of the Energy Committee Meeting of January 15, 2009. (Doug McIsaac)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED **GREEN** FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The action of the Planning Commission meeting held on February 4, 2009.

RECOMMENDATION: That the City Council determine if they wish to call up the item for review from the Planning Commission meeting of February 4, 2009.

- 1) Case No. 2008-69 – An application for a variance to maintain an existing one-car garage in lieu of providing a two-car enclosed garage required when an addition to a single-family residence exceed 25 percent of the original gross floor area of the single-family residence located at 14162 Nancy Lee Drive.

ACTION: The variance request was denied (3-2) (Commissioners Bertels and Turro No).

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4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

NOTE: IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

4.1 JOINT PUBLIC HEARING OF THE CITY COUNCIL AND WESTMINSTER REDEVELOPMENT AGENCY TO CONSIDER THE APPROVAL OF THE SUBSTANTIAL AMENDMENT TO THE FY 2008-09 ACTION PLAN INVOLVING A CHANGE IN THE PURPOSE AND UTILIZATION OF NINE (9) CONDOMINIUM UNITS FROM A LEASE-PURCHASE PROGRAM TO RENTAL UNITS FOR LOWER INCOME HOUSEHOLDS; CONSIDERATION AND APPROVAL OF NEW AGREEMENTS REFLECTING THE PROPOSED CHANGE IN THE ACTION PLAN; AND TO PARTICIPATE IN A PROPOSED NEIGHBORHOOD STABILIZATION PROGRAM. (Kathy Johnston)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

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RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Substantial Amendment to the FY 2008-09 Action Plan involving a change in the purpose and utilization of nine (9) condominium units from a Lease-Purchase program to rental units for lower income households. The units are located at: 1) 6869 Homer Street, #62; 2) 6921 Homer Street, #27; 3) 6889 Homer Street, #50; 4) 6954 Homer Street, #79; 5) 6908 Homer Street, #99; 6) 6902 Homer Street, #94; 7) 6908 Homer Street, #100; 8) 14161 Goldenwest Street, #7; and 9) 6921 Homer Street, #25.

4.2 PUBLIC HEARING OF THE MAYOR AND CITY COUNCIL ON THE (1) PROPOSED SUBSTANTIAL AMENDMENT TO THE 2008-2009 HOUSING AND COMMUNITY DEVELOPMENT ACTION PLAN AND FIVE YEAR CONSOLIDATED PLAN; AND (2) OPPORTUNITIES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM. (Tami Piscotty)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the Substantial Amendment to the Fiscal Year 2008-09 Action Plan for the City to participate in the Neighborhood Stabilization Program (NSP) under the State of California and to allow the City to partner with the City of Garden Grove for purposes as referenced in Attachment 1 to the staff report; and
- 2) Receive and consider public comments on opportunities for the Neighborhood Stabilization Program funding as required by the State of California.

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5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports

5.3 Naming of Conference Room in the City/Chamber of Commerce Building. (Mayor Rice)

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Select date and time to conduct oral interviews of candidates for the position of City Manager. (Ray Silver)

RECOMMENDATION: That the Mayor and City Council select a Monday at the end of February or during the month of March, 2009 to conduct interviews for City Manager candidates.

6.2 Selection of an Engineering Firm to Prepare and Recommend a New Water Rate Structure. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve a budget transfer of \$35,000.00 to the Water Utility Administration Fund from the Water Reserve Fund; and
- 2) Approve the selection and authorize entering into an agreement with Willdan Financial Services in an amount not to exceed \$33,360.00 to perform the Water Rate Study and authorize the City Manager to execute the agreement on behalf of the City.

6.3 Council Representation on Orange County Transportation Authority (OCTA) I-405 Policy Working Group. (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint one regular member and one alternate member to represent the City on the OCTA I-405 Policy Working Group.

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7. WRITTEN COMMUNICATIONS (Public) – None.

8. LEGISLATIVE ITEMS

8.1 Ordinance No. 2439 – Change to Regular Council Meetings Dates.

RECOMMENDATION: That the Mayor and City Council introduce Ordinance No. 2439 entitled, “An Ordinance of the Mayor and City Council of the City of Westminster Amending Section 2.04.010 (Meetings-Time) of the Westminster Municipal Code Relative to Regular Council Meetings”, and waive further reading.

8.2 Reimbursement of Criminal Justice Administration Fees. (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Introduce Ordinance No. 2440 entitled, “An Ordinance of the Mayor and City Council of the City of Westminster , Adding Chapter 1.13 to Title 1 of the Westminster Municipal Code, Relating to the Reimbursement of Criminal Justice Administration Fees”, and waive further reading; and
- 2) Adopt Resolution No. 4215 entitled, “A Resolution of the Mayor and City Council of the City of Westminster amending Resolution No. 4012 Establishing Fees for Special Services Provided by the City of Westminster to Include a Criminal Justice Administration Fee for Persons who are Arrested and Booked into the Westminster Detention Center and Later Convicted of the Offense Related to the Arrest”.

9. COMMISSION AND COMMITTEE ITEMS

9.1 Purchase, Acquisition, and Sale of City-Owned Open Space and Surplus Land.

RECOMMENDATION: The Community Services and Recreation Commission recommends that the Mayor and City Council review a draft policy related to the purchase, acquisition, and sale of City-owned open space and surplus land, and provide staff direction.

RECOMMENDATION: Staff recommends that the City only transfer assets from one Enterprise fund to another when the appraised value of the asset is also paid to the fund which owns the asset.

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9.2 Commission on Aging Appointment (Alternate Members) (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Rescind the appointment of Andrew Jefferson Nguyen to the Commission on Aging (due to age requirement); and
- 2) Appoint alternate member(s) to serve on the Commission on Aging for a term ending November, 2010.

9.3 Mobile Home Commission Appointment (Mobile Home Resident Category) (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint a member to serve on the Mobile Home Commission (Mobile Home Resident Category) for a term ending November, 2010.

10. COUNCIL/AGENCY ADJOURNMENT

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary